

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

DUANE FANNING, )  
                          )  
Plaintiff            )  
                          )  
vs.                    )                           Case No. 2:13-cv-02011-WMA-HGD  
                          )  
                          )  
OFFICER VOYLES,     )  
                          )  
Defendant            )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on October 9, 2014, recommending that the defendant's motion for summary judgment be granted and this cause be dismissed with prejudice. (Doc. 13). No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a

matter of law. Accordingly, the defendant's motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE.

A Final Judgment will be entered.

DATED this 21st day of November, 2014.



WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE